

## SENATE BILL No. 187

---

### DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 5-2-4-1; IC 10-11; IC 10-19.

**Synopsis:** Indiana intelligence fusion center. Moves the operation of the Indiana intelligence fusion center (fusion center) from the department of homeland security to the state police department. Makes conforming amendments. Repeals provisions establishing the fusion center within the department of homeland security. Requires the budget agency to transfer any funds and balances necessary to implement the transfer of the fusion center from the department of homeland security to the state police department.

**Effective:** Upon passage; July 1, 2010.

---

---

**Wyss, Arnold**

---

---

January 5, 2010, read first time and referred to Committee on Homeland Security, Transportation & Veterans Affairs.

---

---

C  
o  
p  
y



Introduced

Second Regular Session 116th General Assembly (2010)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2009 Regular and Special Sessions of the General Assembly.

## SENATE BILL No. 187

A BILL FOR AN ACT to amend the Indiana Code concerning public safety.

*Be it enacted by the General Assembly of the State of Indiana:*

1       SECTION 1. IC 5-2-4-1, AS AMENDED BY P.L.1-2007,  
2       SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3       JULY 1, 2010]: Sec. 1. As used in this chapter, unless the context  
4       otherwise requires:

5           (1) "Criminal history information" means information collected  
6           by criminal justice agencies or individuals consisting of  
7           identifiable descriptions and notations of arrests, detentions,  
8           indictments, informations, or other formal criminal charges, and  
9           any disposition arising therefrom, sentencing, correctional  
10          supervision, and release.

11          (2) "Criminal intelligence information" means information on  
12          identifiable individuals compiled in an effort to anticipate,  
13          prevent, or monitor possible criminal activity, including terrorist  
14          activity. "Criminal intelligence information" does not include  
15          criminal investigative information, which is information on  
16          identifiable individuals compiled in the course of the  
17          investigation of specific criminal acts.



C  
o  
p  
y

(3) "Criminal justice agency" means any agency or department of any level of government which performs as its principal function the apprehension, prosecution, adjudication, incarceration, or rehabilitation of criminal offenders, or location of parents with child support obligations under 42 U.S.C. 653. The term includes:

(A) a nongovernmental entity that performs as its principal function the:

(i) apprehension, prosecution, adjudication, incarceration, or rehabilitation of criminal offenders; or

(ii) location of parents with child support obligations under 42 U.S.C. 653;

under a contract with an agency or department of any level of government;

(B) the department of homeland security; and

(C) the Indiana intelligence fusion center established by ~~IC 10-19-10-2~~ **IC 10-11-9-2**.

SECTION 2. IC 10-11-2-32 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: **Sec. 32. The superintendent shall operate the Indiana intelligence fusion center established by IC 10-11-9-2.**

SECTION 3. IC 10-11-9 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]:

**Chapter 9. Indiana Intelligence Fusion Center**

**Sec. 1.** As used in this chapter, "collect" means to solicit or receive.

**Sec. 2.** The Indiana intelligence fusion center is established to:

- (1) collect;
- (2) integrate;
- (3) evaluate;
- (4) analyze;
- (5) disseminate; and
- (6) maintain;

criminal intelligence information and other information to support governmental agencies and private organizations in detecting, preventing, investigating, and responding to criminal and terrorist activity in compliance with applicable state and federal laws and regulations, including 28 CFR 23.

**Sec. 3.** (a) The department shall operate the Indiana intelligence fusion center under the direction of the governor.

(b) The department shall cooperate with:

- (1) the department of homeland security;

C  
o  
p  
y



1 (2) local, state, or federal government agencies; and  
 2 (3) private organizations;  
 3 subject to applicable state and federal laws and regulations,  
 4 including 28 CFR 23.

5 Sec. 4. The Indiana intelligence fusion center may collect  
 6 criminal intelligence information only if:

- 7 (1) reasonable suspicion exists that the subject of the criminal  
 8 intelligence information is involved with or has knowledge of  
 9 possible criminal or terrorist activity; and  
 10 (2) the criminal intelligence information is relevant to the  
 11 criminal or terrorist activity.

12 SECTION 4. IC 10-19-3-3, AS AMENDED BY P.L.101-2006,  
 13 SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 14 JULY 1, 2010]: Sec. 3. The executive director shall do the following:

- 15 (1) Serve as the chief executive and administrative officer of the  
 16 department.  
 17 (2) Serve as the director of the council.  
 18 (3) Administer the application for, and disbursement of, federal  
 19 and state homeland security money for all Indiana state and local  
 20 governments.  
 21 (4) Develop a single strategic plan for preparing and responding  
 22 to homeland security emergencies in consultation with the  
 23 council.  
 24 (5) Serve as the state coordinating officer under federal law for all  
 25 matters relating to emergency and disaster mitigation,  
 26 preparedness, response, and recovery.  
 27 (6) Use and allocate the services, facilities, equipment, personnel,  
 28 and resources of any state agency, on the governor's behalf, as is  
 29 reasonably necessary in the preparation for, response to, or  
 30 recovery from an emergency or disaster situation that threatens or  
 31 has occurred in Indiana.  
 32 (7) Develop a plan to protect key state assets and public  
 33 infrastructure from a disaster or terrorist attack.  
 34 ~~(8) Operate the fusion center.~~

35 SECTION 5. THE FOLLOWING ARE REPEALED [EFFECTIVE  
 36 JULY 1, 2010]: IC 10-19-1-5; IC 10-19-10.

37 SECTION 6. [EFFECTIVE UPON PASSAGE] (a) The budget  
 38 agency shall, in consultation with the department of homeland  
 39 security and the state police department, transfer any funds and  
 40 balances necessary to implement the transfer of operation of the  
 41 Indiana intelligence fusion center from the department of  
 42 homeland security under IC 10-19-10 (before its repeal by this act)

C  
o  
p  
y



1 to the state police department under IC 10-11-9, as added by this  
2 act.

3 (b) This SECTION expires June 30, 2011.

4 SECTION 2. An emergency is declared for this act.

C  
o  
p  
y

